

ELIZABETH A. STRANGE
First Assistant United States Attorney
District of Arizona

KEVIN M. RAPP (Ariz. Bar No. 014249, kevin.rapp@usdoj.gov)
MARGARET PERLMETER (Ariz. Bar No. 024805, margaret.perlmeter@usdoj.gov)
PETER S. KOZINETS (Ariz. Bar No. 019856, peter.kozinets@usdoj.gov)
ANDREW C. STONE (Ariz. Bar No. 026543, andrew.stone@usdoj.gov)
Assistant U.S. Attorneys
40 N. Central Avenue, Suite 1800
Phoenix, Arizona 85004-4408
Telephone (602) 514-7500

JOHN J. KUCERA (Cal. Bar No. 274184, john.kucera@usdoj.gov)
Special Assistant U.S. Attorney
312 N. Spring Street, Suite 1200
Los Angeles, CA 90012
Telephone (213) 894-3391

BRIAN BENCZKOWSKI
Assistant Attorney General
Criminal Division, U.S. Department of Justice

REGINALD E. JONES (Miss. Bar No. 102806, reginald.jones4@usdoj.gov)
Senior Trial Attorney, U.S. Department of Justice
Child Exploitation and Obscenity Section
950 Pennsylvania Ave N.W., Room 2116
Washington, D.C. 20530
Telephone (202) 616-2807
Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

Michael Lacey, et al.,

Defendants.

No. CR-18-422-PHX-SMB

**UNITED STATES' UNOPPOSED
MOTION TO EXTEND DEADLINE
FOR RESPONSE TO DEFENDANTS'
MOTION TO DISMISS
INDICTMENT (Docs. 539-540)**

(First Request)

On April 22, 2019, Defendants filed and served their Motion to Dismiss Indictment (doc. 539). The motion was 45 pages in length, which violated the local rule that requires motions and responses not to exceed 17 pages. LRCiv 7.2(e)(1). Defendants then filed a

1 motion for leave (doc. 540), requesting that the Court permit their over-length motion. As
2 of this filing, Defendants' motion for leave has not been granted.

3 The United States files this unopposed motion requesting a three-week extension to
4 its deadline to file a response to Defendants' Motion to Dismiss Indictment. If Defendants'
5 over-length Motion to Dismiss Indictment is allowed, the United States' response deadline
6 would be May 6, 2019. *See* LRCiv 7.2(c). The United States requests an additional three
7 weeks to file its response, which would make the new deadline May 27, 2019. A three-
8 week extension is reasonable, given that Defendants' motion exceeded the page limit by
9 28 pages. Counsel for the United States has conferred with Defendants' auxiliary counsel
10 (doc. 338)—Jim Grant—who indicated he has no objection to this extension (likewise, the
11 government does not object to a two-week extension for Defendants to file their reply
12 brief).

13 If the Court denies Defendants' motion for leave, then the deadline for the
14 government's response will be determined from the date Defendants file and serve their
15 condensed version. LRCiv 7.2(c).

16 Finally, if the Court grants Defendants' motion for leave, the government requests
17 leave to file a response that is equal in length—a brief that does not exceed 45 pages.

18 Excludable delay under 18 U.S.C. § 3161(h) may occur as a result of this motion or
19 an order based thereon.

20 Respectfully submitted this 1st day of May, 2019.

21 ELIZABETH A. STRANGE
22 First Assistant United States Attorney
District of Arizona

23 s/ Andrew C. Stone
24 KEVIN M. RAPP
25 MARGARET PERLMETER
26 PETER S. KOZINETS
ANDREW C. STONE
Assistant U.S. Attorneys

27 JOHN J. KUCERA
Special Assistant U.S. Attorney

28 BRIAN BENCZKOWSKI

Assistant Attorney General
U.S. Department of Justice
Criminal Division, U.S. Department of Justice

REGINALD E. JONES
Senior Trial Attorney
U.S. Department of Justice, Criminal Division
Child Exploitation and Obscenity Section

CERTIFICATE OF SERVICE

I hereby certify that on this date, May 1, 2019, I transmitted the foregoing under-seal document for filing to the Clerk of the United States District Court and sent a copy via electronic mail to: Paul J. Cambria Jr. Esq. and Erin e. McCampbell, Esq., Lipsitz Green Scime Cambria, LLC, 42 Delaware Ave, Suite 120, Buffalo, NY 14202, **pcambria@lglaw.com** and **emccampbell@lglaw.com**, Thomas H. Bienert, Jr., Esq., Anthony R. Bisconti, Esq., Kenneth M. Miller, Esq., and Whitney Bernstein, Esq., Bienart, Miller & Katzman, PLC, 903 Calle Amanecer, Suite 350, San Clemente, CA 92673, **tbienert@bmkattorneys.com**, **tbisconti@bmkattorneys.com**, **kmiller@bmkattorneys.com**, **wbernstein@bmkattorneys.com**; Mike Piccarreta, Esq., Piccarreta Davis Keenan Fidel, PC, 2 East Congress Street, Suite 1000, Tucson, AZ 85701, **mlp@pd-law.com**; Jim Grant Esq., Davis Wright Termaine, LLP, 1201 Third Avenue, Suite 2200, Seattle, WA 98101, **jimgrant@dwt.com**; Michael D. Kimerer, Esq. and Rhonda Elaine Neff, Esq., 1313 E. Osborn Road, Suite 100, Phoenix, AZ 85014, **MDK@kimerer.com** and **rneff@kimerer.com**; Steve Weiss Esq., Karp & Weiss, PC, 3060 North Swan Rd., Tucson, AZ 85712, **sweiss@karpweiss.com**; Robert Corn-Revere Esq., Davis Wright Termaine, LLP, 1919 Pennsylvania Avenue N.W., Suite 800, Washington, D.C., 20006, **bobcornrevere@dwt.com**; Bruce Feder, Esq., 2930 East Camelback Road, Suite 160, Phoenix, AZ 85016, **bf@federlawpa.com**; Gary Linenberg, Esq., Ariel Neuman, Esq., Gopi K. Panchapakesan, Esq., Bird, Marella, Boxer, Wolpert, Nessim, Drooks, Lincenberg & Rhow, P.C., 1875 Century Park East, 23rd Floor, Los Angeles, CA 90067, **glincenberg@birdmarella.com**, **aan@birdmarella.com**, **gkp@birdmarella.com**.

s/ Angela Schuetta
Angela Schuetta
U.S. Attorney's Office

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE DISTRICT OF ARIZONA

10 United States of America,
11 Plaintiff,
12 v.
13 Michael Lacey, et al.,
14 Defendants.
15

No. CR-18-422-PHX-SMB

ORDER

16 Based on the United States' Unopposed Motion to Extend Deadline for Response
17 to Defendants' Motion to Dismiss Indictment, and good cause appearing,

18 **IT IS HEREBY ORDERED** granting the United States' motion and extending the
19 deadline for it to respond to Defendants' Motion to Dismiss Indictment (doc. 539) to May
20 27, 2019.

21 **IT IS FURTHER ORDERED** that the United States is granted leave to file a
22 response that is equal in length to Defendants' motion; accordingly, the government's
23 response shall not exceed 45 pages.

24 **IT IS FURTHER ORDERED** that excludable delay under 18 U.S.C. § 3161(h) is
25 found to commence from _____ through _____.
26
27
28